

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short Title. This Act may be cited as the  
5 Supreme Court Historic Preservation Act.

6 Section 5. Definitions. For the purpose of this Act:

7 "Commission" means the Supreme Court Historic Preservation  
8 Commission.

9 "Court" means the Illinois Supreme Court.

10 Section 10. Supreme Court Historic Preservation  
11 Commission; creation; commissioners; appointments; terms;  
12 compensation.

13 (a) The Supreme Court Historic Preservation Commission is  
14 created within the Judicial Branch of State government.

15 (b) The Commission consists of 9 commissioners as follows:

16 (1) the Administrative Director of the Illinois Courts  
17 shall serve as a commissioner ex officio;

18 (2) Two commissioners appointed by the Court, one of  
19 whom shall be designated as the chairperson of the  
20 Commission upon appointment;

21 (3) Two commissioners appointed by the Governor;

22 (4) Two commissioners appointed by the President of the

1 Senate, one of whom may not belong to the same political  
2 party as the President; and

3 (5) Two commissioners appointed by the Speaker of the  
4 House of Representatives, one of whom may not belong to the  
5 same political party as the Speaker.

6 (c) The terms of the initial appointed commissioners shall  
7 commence upon qualification. Each appointing authority shall  
8 designate one appointee to serve for a 2-year term running  
9 through June 30, 2009, and each appointing authority shall  
10 designate one appointee to serve for a 4-year term running  
11 through June 30, 2011. The commissioner designated as the  
12 chairperson by the Court must be appointed for a 4-year term.  
13 The initial appointments must be made within 60 days after the  
14 effective date of this Act.

15 (d) After the initial terms, commissioners shall serve for  
16 4-year terms commencing on July 1 of the year of appointment  
17 and running through June 30 of the 4th following year.  
18 Commissioners may be reappointed to one or more subsequent  
19 terms.

20 (e) Vacancies occurring other than at the end of a term  
21 shall be filled by the appointing authority only for the  
22 balance of the term of the commissioner whose office is vacant.

23 (f) Terms shall run regardless of whether the position is  
24 filled.

25 (g) The members of the Commission shall receive no  
26 compensation for their service, except for their actual

1 expenses while in the discharge of their official duties.

2 Section 15. Commission policy, powers, and duties. The  
3 Commission shall assist and advise the Court in regard to the  
4 acquisition, collection, documentation, preservation,  
5 cataloging, and related matters with respect to historic  
6 aspects of buildings, objects, artifacts, documents, and  
7 information, regardless of form, relating to the Illinois  
8 judiciary.

9 Section 20. Supreme Court Historic Preservation Fund.

10 (a) The Supreme Court Historic Preservation Fund is created  
11 as a special fund in the State treasury. Subject to  
12 appropriation, the moneys in the Fund shall be used only by the  
13 Commission as deemed appropriate for historic preservation and  
14 related purposes, including the hiring of necessary staff.

15 (b) All moneys received by the Commission, including  
16 without limitation, grants, gifts, donations, bequests, fees,  
17 admissions, sales, and concessions, from any source, including  
18 private, public, governmental, and individual, must be  
19 deposited into the Fund. All interest that is attributable to  
20 moneys in the Fund must be deposited into the Fund.

21 (c) On July 1, 2007, or as soon thereafter as may be  
22 practical, the State Treasurer shall transfer the amount of  
23 \$5,000,000 from the General Revenue Fund to the Supreme Court  
24 Historic Preservation Fund.

1           Section 25. Annual report. The Commission shall provide a  
2 report of its fiscal and programmatic activities to the Court,  
3 the Governor, and the General Assembly, on or before January  
4 31, 2009, and annually thereafter.

5           Section 90. The State Finance Act is amended by adding  
6 Section 5.675 and by changing Section 8h as follows:

7           (30 ILCS 105/5.675 new)

8           Sec. 5.675. The Supreme Court Historic Preservation Fund.

9           (30 ILCS 105/8h)

10          Sec. 8h. Transfers to General Revenue Fund.

11          (a) Except as otherwise provided in this Section and  
12 Section 8n of this Act, and ~~(e), (d), or (e)~~, notwithstanding  
13 any other State law to the contrary, the Governor may, through  
14 June 30, 2007, from time to time direct the State Treasurer and  
15 Comptroller to transfer a specified sum from any fund held by  
16 the State Treasurer to the General Revenue Fund in order to  
17 help defray the State's operating costs for the fiscal year.  
18 The total transfer under this Section from any fund in any  
19 fiscal year shall not exceed the lesser of (i) 8% of the  
20 revenues to be deposited into the fund during that fiscal year  
21 or (ii) an amount that leaves a remaining fund balance of 25%  
22 of the July 1 fund balance of that fiscal year. In fiscal year

1 2005 only, prior to calculating the July 1, 2004 final  
2 balances, the Governor may calculate and direct the State  
3 Treasurer with the Comptroller to transfer additional amounts  
4 determined by applying the formula authorized in Public Act  
5 93-839 to the funds balances on July 1, 2003. No transfer may  
6 be made from a fund under this Section that would have the  
7 effect of reducing the available balance in the fund to an  
8 amount less than the amount remaining unexpended and unreserved  
9 from the total appropriation from that fund estimated to be  
10 expended for that fiscal year. This Section does not apply to  
11 any funds that are restricted by federal law to a specific use,  
12 to any funds in the Motor Fuel Tax Fund, the Intercity  
13 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
14 Provider Relief Fund, the Teacher Health Insurance Security  
15 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
16 the Voters' Guide Fund, the Foreign Language Interpreter Fund,  
17 the Lawyers' Assistance Program Fund, the Supreme Court Federal  
18 Projects Fund, the Supreme Court Special State Projects Fund,  
19 the Supplemental Low-Income Energy Assistance Fund, the Good  
20 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste  
21 Facility Development and Operation Fund, the Horse Racing  
22 Equity Trust Fund, or the Hospital Basic Services Preservation  
23 Fund, or to any funds to which subsection (f) of Section 20-40  
24 of the Nursing and Advanced Practice Nursing Act applies. No  
25 transfers may be made under this Section from the Pet  
26 Population Control Fund. Notwithstanding any other provision

1 of this Section, for fiscal year 2004, the total transfer under  
2 this Section from the Road Fund or the State Construction  
3 Account Fund shall not exceed the lesser of (i) 5% of the  
4 revenues to be deposited into the fund during that fiscal year  
5 or (ii) 25% of the beginning balance in the fund. For fiscal  
6 year 2005 through fiscal year 2007, no amounts may be  
7 transferred under this Section from the Road Fund, the State  
8 Construction Account Fund, the Criminal Justice Information  
9 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
10 Mandatory Arbitration Fund.

11 In determining the available balance in a fund, the  
12 Governor may include receipts, transfers into the fund, and  
13 other resources anticipated to be available in the fund in that  
14 fiscal year.

15 The State Treasurer and Comptroller shall transfer the  
16 amounts designated under this Section as soon as may be  
17 practicable after receiving the direction to transfer from the  
18 Governor.

19 (a-5) Transfers directed to be made under this Section on  
20 or before February 28, 2006 that are still pending on May 19,  
21 2006 (the effective date of Public Act 94-774) ~~this amendatory~~  
22 ~~Act of the 94th General Assembly~~ shall be redirected as  
23 provided in Section 8n of this Act.

24 (b) This Section does not apply to: (i) the Ticket For The  
25 Cure Fund; (ii) any fund established under the Community Senior  
26 Services and Resources Act; or (iii) on or after January 1,

1 2006 (the effective date of Public Act 94-511), the Child Labor  
2 and Day and Temporary Labor Enforcement Fund.

3 (c) This Section does not apply to the Demutualization  
4 Trust Fund established under the Uniform Disposition of  
5 Unclaimed Property Act.

6 (d) This Section does not apply to moneys set aside in the  
7 Illinois State Podiatric Disciplinary Fund for podiatric  
8 scholarships and residency programs under the Podiatric  
9 Scholarship and Residency Act.

10 (e) Subsection (a) does not apply to, and no transfer may  
11 be made under this Section from, the Pension Stabilization  
12 Fund.

13 (f) This Section does not apply to the Supreme Court  
14 Historic Preservation Fund.

15 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
16 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
17 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
18 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
19 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
20 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
21 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.  
22 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,  
23 eff. 6-6-06; revised 6-19-06.)

24 Section 95. The Attorney Act is amended by changing Section  
25 1 as follows:

1 (705 ILCS 205/1) (from Ch. 13, par. 1)

2 Sec. 1. No person shall be permitted to practice as an  
3 attorney or counselor at law within this State without having  
4 previously obtained a license for that purpose from the Supreme  
5 Court of this State.

6 No person shall receive any compensation directly or  
7 indirectly for any legal services other than a regularly  
8 licensed attorney, nor may an unlicensed person advertise or  
9 hold himself or herself out to provide legal services.

10 A license, as provided for herein, constitutes the person  
11 receiving the same an attorney and counselor at law, according  
12 to the law and customs thereof, for and during his good  
13 behavior in the practice and authorizes him to demand and  
14 receive fees for any services which he may render as an  
15 attorney and counselor at law in this State. No person shall be  
16 granted a license or renewal authorized by this Act who has  
17 defaulted on an educational loan guaranteed by the Illinois  
18 Student Assistance Commission; however, a license or renewal  
19 may be issued to the aforementioned persons who have  
20 established a satisfactory repayment record as determined by  
21 the Illinois Student Assistance Commission. No person shall be  
22 granted a license or renewal authorized by this Act who is more  
23 than 30 days delinquent in complying with a child support  
24 order; a license or renewal may be issued, however, if the  
25 person has established a satisfactory repayment record as

1 determined (i) by the Department of Healthcare and Family  
2 Services (formerly Illinois Department of Public Aid) for cases  
3 being enforced under Article X of the Illinois Public Aid Code  
4 or (ii) in all other cases by order of court or by written  
5 agreement between the custodial parent and non-custodial  
6 parent. No person shall be refused a license under this Act on  
7 account of sex.

8 Any person practicing, charging or receiving fees for legal  
9 services or advertising or holding himself or herself out to  
10 provide legal services within this State, either directly or  
11 indirectly, without being licensed to practice as herein  
12 required, is guilty of contempt of court and shall be punished  
13 accordingly, upon complaint being filed in any Circuit Court of  
14 this State. The remedies available include, but are not limited  
15 to: (i) appropriate equitable relief; (ii) a civil penalty not  
16 to exceed \$5,000, which shall be paid to the Illinois Equal  
17 Justice Foundation; and (iii) actual damages. Such proceedings  
18 shall be conducted in the Courts of the respective counties  
19 where the alleged contempt has been committed in the same  
20 manner as in cases of indirect contempt and with the right of  
21 review by the parties thereto.

22 The provisions of this Act shall be in addition to other  
23 remedies permitted by law and shall not be construed to deprive  
24 courts of this State of their inherent right to punish for  
25 contempt or to restrain the unauthorized practice of law.

26 Nothing in this Act shall be construed to conflict with,

1 amend, or modify Section 5 of the Corporation Practice of Law  
2 Prohibition Act or prohibit representation of a party by a  
3 person who is not an attorney in a proceeding before either  
4 panel of the Illinois Labor Relations Board under the Illinois  
5 Public Labor Relations Act, as now or hereafter amended, the  
6 Illinois Educational Labor Relations Board under the Illinois  
7 Educational Labor Relations Act, as now or hereafter amended,  
8 the State Civil Service Commission, the local Civil Service  
9 Commissions, or the University Civil Service Merit Board, to  
10 the extent allowed pursuant to rules and regulations  
11 promulgated by those Boards and Commissions or the giving of  
12 information, training, or advocacy or assistance in any  
13 meetings or administrative proceedings held pursuant to the  
14 federal Individuals with Disabilities Education Act, the  
15 federal Rehabilitation Act of 1973, the federal Americans with  
16 Disabilities Act of 1990, or the federal Social Security Act,  
17 to the extent allowed by those laws or the federal regulations  
18 or State statutes implementing those laws.

19 (Source: P.A. 94-659, eff. 1-1-06; revised 12-15-05.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.